

City of Lynn

City Hall, Room 306
Lynn, MA 01901



Phone: 781-586-6850
Fax: 781-599-8875
thomas.mcgee@lynnma.gov

Thomas M. McGee
Mayor

EXECUTIVE ORDER FROM THE MAYOR OF THE CITY OF LYNN AND PUBLIC HEALTH DIRECTOR OF THE CITY OF LYNN REGULATING CERTAIN BUSINESSES IN THE CITY OF LYNN

DATE OF ORDER: JANUARY 6, 2021

The Mayor of the City of Lynn and the City of Lynn Board of Public Health, acting through its duly appointed and authorized agent, Public Health Director Michele Desmarais, pursuant to M.G.L. c. 111, § 30, M.G.L. c. 111 App §§ 2-6, M.G.L. c. 111 §§ 31, 104, 122, and the Mayor and Board of Public Health's Declaration of a Public Health Emergency Relative to COVID-19 in the City of Lynn dated March 18, 2020 and March 17, 2020, respectfully, hereby enacts and declares as follows:

DECLARATION

WHEREAS, a Public Health Emergency due to the outbreak of the 2019 novel Coronavirus ("COVID-19") is in effect in the City of Lynn pursuant to declaration of the City of Lynn Board of Public Health dated March 17, 2020, and pursuant to an Executive Order from Mayor Thomas M. McGee dated March 18, 2020 in full force and effect until May 4, 2020, unless circumstances warrant an extension by the Mayor and Public Health Director;

WHEREAS, on March 10, 2020, Governor Baker declared that there exists within the Commonwealth of Massachusetts a state of emergency due to the outbreak of COVID-19;

WHEREAS, the disease caused by the 2019 novel Coronavirus is a contagious, and at times fatal, respiratory disease, Symptoms of COVID-19 include fever, cough, and shortness of breath, and the disease can spread from person to person via respiratory droplets produced when an infected person coughs or sneezes.

WHEREAS, the worldwide outbreak of COVID-19 and the effects of its extreme risk of person-to-person transmission throughout the United States and the Commonwealth significantly affect the life and health of our people, as well as the economy, and is a disaster that impacts the health, security, and safety of the public. Therefore, it is critical to take additional steps to prepare for, respond to, and mitigate the spread of COVID-19 to protect the health and welfare of the people of the Commonwealth.

WHEREAS, the Mayor and the Public Health Director has determined that community-wide compliance with the practice of social distancing, including people remaining at least six feet apart, and eliminating all unnecessary physical interaction is reasonably believed to be necessary to prevent or reduce the immediate spread of COVID-19;

WHEREAS, the unique size and density of Lynn's population poses inherently elevated risks of transmission that the City must address on behalf of the public health of the City and region;

WHEREAS, it is essential that visitors to the City be limited to only those who absolutely have to be here so that the City's limited resources do not become overwhelmed and insufficient to protect the health and safety of its residents, first responders and essential workers.

WHEREAS, because it is so highly contagious and dangerous, on March 10, 2020, Governor Charles Baker declared a State of Emergency in the Commonwealth of Massachusetts. As a result of the declaration, numerous orders have been issued to limit the spread of the disease, including but not limited to the closure of non-essential businesses, closure of schools, and requirements for social distancing.

WHEREAS, the situation involving the COVID-19 crisis continues to evolve, with additional guidance being issued by the Federal and State governments.

WHEREAS, the City of Lynn has no full-service hospital and a population of over 90,000 people.

WHEREAS, a Public Health Emergency due to the outbreak of the 2020 novel Coronavirus ("COVID-19") in the City of Lynn pursuant to declaration of the Mayor of the City of Lynn and the Lynn Board of Health dated March 18 and March 17, 2020 remains in full force and effect;

WHEREAS, there is clear evidence that COVID-19 continues to cause serious harm to the public health of the City of Lynn and has resulted in the infection of over 11,916 Lynn residents and the deaths of over 161 Lynn residents;

WHEREAS, the numbers of positive COVID-19 cases has continued to escalate in the City of Lynn despite newly issued Orders dated December 19, 2020.

WHEREAS, the City of Lynn saw more than 210 reported positive COVID-19 cases as of January 5, 2021, which is a record high for all dates within the past several months.

WHEREAS, the Mayor and the Health Director has determined that further temporary restrictions are necessary to prevent the spread of COVID-19 in Lynn workplaces;

WHEREAS, between December 3 and December 10, multiple public health data indicate increasing prevalence and impact of COVID-19 in the City of Lynn: the 14-day average daily incidence of COVID-19 has increased from 67.6 per 100,000 to 89.19 per 100,000; the 7-day average of percentage of positive molecular tests has increased 20%, from 10.23% to 12.27%;

WHEREAS, these 14-day and 7-day averages have increased significantly during the holiday season.

WHEREAS, the Mayor and the Public Health Director have determined that additional public health orders and social distancing requirements are necessary to reduce the transmission of COVID-19;

WHEREAS, the intent of this Executive Order is to ensure that residents and businesses in Lynn act consistently with the imperative public health need that the entire community achieve the maximum amount of "social distancing" feasible, while continuing to provide and receive Essential Services, to slow the spread of COVID-19 to the maximum extent possible, all provisions of this Advisory should be interpreted

to effectuate this intent. Failure to comply with any of the provisions of this Advisory constitutes an imminent threat and creates an immediate threat to public health.

WHEREAS, the continued spread of COVID-19 across the region is putting an increased strain on Boston-area hospitals;

WHEREAS, in order to allow for essential services and other vital functions of society to continue, it is necessary to temporarily restrict certain recreational and leisure activities, including many categories of activities that have been operating in Phase III, Step I under COVID-19 Order No. 58, *Order Returning All Municipalities to Phase III, Step I COVID-19 Safety Rules* and preceding Orders;

WHEREAS, it is essential to suppress virus transmission as much as possible in the immediate term to conserve limited local public health resources and protect Lynn residents, particularly the most vulnerable. Given the totality of the circumstances, one of the least restrictive means of disrupting transmission is to reduce the introduction of new cases through the reasonable restriction of the use of certain indoor facilities and businesses where COVID-19 may spread;

WHEREAS, the intent of this Order is to prevent the spread of COVID-19 to the maximum extent possible. All provisions of this Order should be interpreted to effectuate this intent.

Failure to comply with any of the provisions of this Order constitutes an imminent and immediate threat to public health.

THEREFORE, THE FOLLOWING PUBLIC HEALTH ORDER SHALL BE IN EFFECT FOR THE CITY OF LYNN, AS FOLLOWS:

1. In addition to complying with all applicable COVID-19 Orders issued by Governor Baker relative to reopening businesses in the Commonwealth, including, COVID-19 Order No. 58, *Order Returning All Municipalities to Phase III, Step I COVID-19 Safety Rules*, and any applicable subsequent rules, guidance, and orders, businesses and other entities located in Lynn shall be subject to the additional temporary restrictions set forth in the attached Appendix A.
2. All indoor gatherings in private or public places shall be limited to ten (10) or fewer people. All outdoor gatherings in public or private places shall be limited to twenty-five (25) or fewer people. This restriction shall not apply to gatherings for religious activities or outdoor gatherings for political expression, provided that gatherings for religious activities will remain subject to the Places of Worship sector-specific rules established by the Commonwealth.
3. Additional guidance may be issued by the Lynn Board of Public Health or any other designee agency to clarify and implement this Order.
4. This Order took effect on 12:01 a.m. on Saturday, December 19, 2020 and shall continue and remain in effect until rescinded by the Mayor and the Public Health Director, following a determination the resumption of activities temporarily suspended by this activity no longer constitute an immediate risk to the public health. Any more stringent Orders issued by the Commonwealth of Massachusetts and Governor Charles Baker shall supersede conflicting provisions of this Order.

ENFORCEMENT

All reasonable efforts will be made to secure voluntary compliance with this Order. In addition to any applicable fine that may be issued for any activity that would also constitute a violation of any COVID-19 order issued by the Governor, this Order may be enforced through an order of a court of competent jurisdiction. The Health Director may seek the assistance of other City of Lynn agencies in ensuring compliance with this order.

- Employees of the Department of Inspectional Services, including Building and Health Inspectors, the Lynn Police Department and the Lynn Fire Department shall possess the power to enforce the provisions of this Order.
- The Health Director shall also be authorized to deputize persons to assist in the enforcement of this Order.

ANY ISSUE OF NON-COMPLIANCE WITH THESE GUIDELINES SHALL BE A BASIS FOR THE SUSPENSION/REVOCATION OF ANY AND ALL CITY OF LYNN LICENSES AND PERMITS, THE ESSENTIAL BUSINESS' EMPLOYER WILL BE REQUIRED TO SUBMIT A CORRECTIVE ACTION PLAN DETAILING EACH ISSUE OF NONCONFORMANCE AND A PLAN TO RECTIFY THE ISSUE(S). THE ESSENTIAL BUSINESS' EMPLOYER WILL NOT BE ALLOWED TO RESUME WORK UNTIL THE PLAN IS APPROVED BY THE PUBLIC HEALTH DIRECTOR. THE PUBLIC HEALTH DIRECTOR RESERVES THE RIGHT TO REPORT ANY VIOLATIONS OF THIS EXECUTIVE ORDER TO ANY FEDERAL OR STATE LICENSING AUTHORITY OF A PARTICULAR ESSENTIAL BUSINESS.

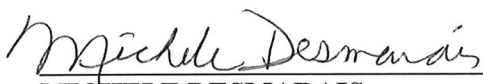
NOTICE

The City of Lynn must promptly provide copies of this Order by posting on the City of Lynn website: (www.lynnma.gov) and providing a copy to any member of the public requesting one.

IT IS SO ORDERED: Dated: January 6, 2021



THOMAS M. MCGEE
MAYOR



MICHELE DESMARAIS
PUBLIC HEALTH DIRECTOR

**APPENDIX A:
ADDITIONAL BUSINESS CATEGORIES SUBJECT TO
TEMPORARY CLOSURE OR FURTHER RESTRICTION**

Business or Organization Category Subject to Temporary Closure or Further Restriction	Restriction
Restaurants providing indoor table service	<p>Restaurants providing seated food service prepared on-site and under retail food permits issued by municipal authorities pursuant to 105 CMR 590.000 may operate only under the following requirements:</p> <ul style="list-style-type: none"> - Continued compliance with all relevant state workplace standards, including the six persons per table limitation. - Bar seating is prohibited until submission of plan approved by the Health Director. - Strict enforcement of all standards including the 90-minute limit to reduce crowding and prevent the spread of COVID-19. No member of any dining party may remain in a restaurant for more than 90 minutes in a calendar day. - No live entertainment; permissible entertainment is limited to approved televisions and background music. All activities ancillary to dining are prohibited,
Indoor recreational and athletic facilities for general use	<p>Closed to customers and the public, provided that:</p> <ul style="list-style-type: none"> - Indoor recreational and athletic facility use for youth 18 and under only is allowed, as permitted in Phase II of the State's guidance. - Indoor pools may operate if limited to swimmers who register for use in advance and are limited to one person per swim lane.
Fitness centers and health clubs	<p>Indoor fitness centers and health clubs are not allowed to operate, including those using alternative indoor spaces, provided that:</p> <ul style="list-style-type: none"> - Appointment-only training with only one customer (or two from the same household) is allowed in a facility at a time. <p>Outdoor fitness instruction is allowed to operate with 25 or fewer people.</p>
Museums	Closed to customers and the public.
Indoor historic spaces/sites	Closed to customers and the public.

Outdoor theatres and other outdoor performance venues not designated as Phase IV enterprises	Allowed to operate only if 25 or fewer people are present.
Sight-seeing and other organized tours	Not allowed to operate.
Outdoor event spaces used for gatherings and celebrations, including parks, reservations and other outdoor spaces not designated in Phase IV.	Allowed to operate only if 25 or fewer people are present.
Indoor event spaces (meeting rooms, ballrooms, private party rooms, social clubs)	Not allowed to operate, provided that: - Private' social clubs may operate if they serve food and comply with all regulations and guidance applicable to restaurants.
Indoor non-athletic instructional classes in arts/education/life skills for persons 18 years and over, including adult daycare classes.	Allowed to operate only if 10 or fewer people are present.
Indoor recreational venues with potential for low-contact (batting cages, driving ranges, bowling alleys, rock-climbing)	Closed to customers and the public.
Indoor and outdoor gaming arcades associated with gaming devices	Closed to customers and the public.